



**SAFEGUARDING THE RIGHTS OF
MICHIGAN'S MOST VULNERABLE POPULATION**

**2021
ANNUAL REPORT**

Michigan Department of Health and Human Services
OFFICE of RECIPIENT RIGHTS

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The 2021 Annual Report of the Michigan Department of Health and Human Services, Office of Recipient Rights is compiled in accordance with Section 330.1754 of the Michigan Compiled Laws mandating that the Office produce a report for the Legislature, its sub-committees with legislative oversight of mental health matters, and the Director of the Department that describes the current status of rights protection in Michigan.



The state of the rights system in Michigan

The 2021 Annual Recipient Rights Report is a summary of the work across Michigan's public behavioral health system to protect the rights of some of our most vulnerable citizens. Over the last year MDHHS Office of Recipient Rights (ORR) has taken on two new roles in assessment and monitoring of services provided to individuals in licensed psychiatric hospitals. This includes assessment of their rights protection systems through an interagency agreement with LARA and investigations into deaths in hospitals where the cause of death was unknown or due to suicide.

MDHHS ORR's Investigation Unit continues to provide direct rights protection services to individuals in the five state-operated hospitals and is now providing these same services for the State Hospital Administration's Community Transition Program. This program has been successful in moving individuals out of state hospitals and into community placements. In the upcoming year MDHHS ORR will also be providing direct services to youth in Psychiatric Residential Treatment Facilities.

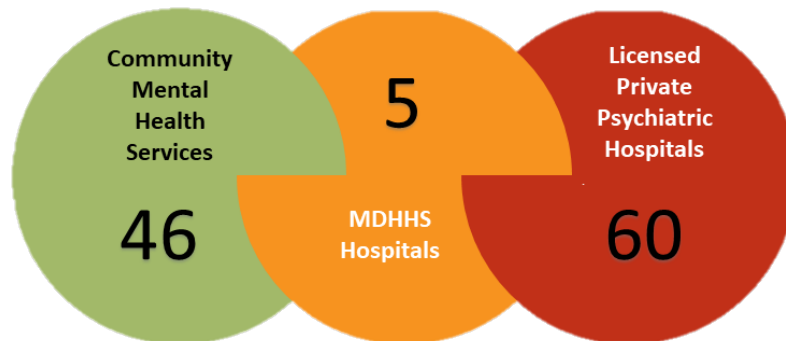
I know that there is a great deal of uncertainty about the best structure to provide equitable and accessible behavioral health services in Michigan, but as services and opportunities expand for individuals receiving behavioral health services, it is imperative that recipient rights, guaranteed in Michigan's Mental Health Code, are intact, robust, and adequately resourced.

Sincerely,

Raymie Postema
Director of the Office of Recipient Rights

RECIPIENT RIGHTS IN MICHIGAN

PA 258 of 1974, the Michigan Mental Health Code (Code), creates an internal rights protection system for individuals receiving public mental health services across the state. Chapter 7 of the Code identifies rights, in addition to rights guaranteed by the United States Constitution and other federal and state laws, that are provided to these individuals. It also mandates the establishment of an Office of Recipient Rights in the Michigan Department of Health and Human Services (MDHHS-ORR), each Community Mental Health Services Program (CMHSP) and every psychiatric hospital or unit (LPH) licensed by the Department of Licensing and Regulatory Affairs (LARA). Currently there are 46 CMHSPs and 60 LPHs.



During FY21, ORR staff:



Received 14,292 allegations of rights violations.



Investigated 9,186 and **intervened on 4,456** allegations of rights violations.



Substantiated 4,389 rights violations.







Represented:

Over 325,000 individuals receiving services from Community Mental Health Service Programs, Licensed Private Hospitals, and MDHHS.

RESPONSIBILITIES

Each Office of Recipient Rights (ORR) is responsible for fulfilling four functions:

Prevention	Monitoring	Education	Complaint Resolution
 <p>A critical component of the rights protection system which aims to reduce risk factors for rights violations and increase proactive influences which may prevent violations.</p>	 <p>An essential link between program implementation and evaluating effectiveness of rights protection systems.</p>	 <p>Education on rights provided to all staff of an agency, all those who work for contract agencies or individual contractors, and consumers.</p>	 <p>Investigations into alleged violations of rights made by recipients, family members, staff and other interested parties.</p>

330.1754 (6)(o) The annual report shall include, at a minimum, all of the following:

- Summary data by type or category regarding the rights of recipients receiving services from the department including the number of complaints received by each state facility and other state-operated placement agency, the number of reports filed, and the number of reports investigated.
- The number of substantiated rights violations by category and by state facility.
- The remedial actions taken on substantiated rights violations by category and by state facility.
- Training received by staff of the state office of recipient rights.
- Training provided by the state office of recipient rights to staff of contract providers.
- Outcomes of assessments of the recipient rights system of each community mental health services program.
- Identification of patterns and trends in rights protection in the public mental health system in this state.
- Review of budgetary issues including staffing and financial resources.
- Summary of the results of any consumer satisfaction surveys conducted.
- Recommendations to the department.

MDHHS OFFICE OF RECIPIENT RIGHTS

MISSION

The mission of the MDHHS Office of Recipient Rights is to protect and promote the constitutional and statutory rights of individuals receiving public mental health services and empower recipients to fully exercise these rights.

VISION

It is the vision of the MDHHS Office of Recipient Rights that all individuals receiving public mental health services are empowered to exercise their rights and are to fully participate in all aspects of their lives.

The Mental Health Code establishes the Michigan Department of Health and Human Services, Office of Recipient Rights (MDHHS-ORR) within the Director's Office. MDHHS-ORR consists of 20 staff. The functions and operations of ORR are defined in Section 330.1754. The primary mandates of the office are:

- 1) *To promote and provide rights protection to individuals admitted to state psychiatric hospitals and programs.*
- 2) *To monitor the quality and effectiveness of the rights protection systems in Michigan.*
- 3) *To provide technical assistance and training to internal and external stakeholders, including but not limited to MDHHS, CMHSP and LPH staff.*

BUDGET

330.1754 (6) (o) The annual report shall include, at a minimum, all of the following: (viii) Review of budgetary issues including staffing and financial resources.

	FY19	FY20	Difference	FY21	Difference
FTE	20	20	0	20	0
Salary & Fringe	\$2,665,920	\$2,759,649	+\$93,729	\$2,777,943	+18,294
CSS&M	\$61,089	\$11,204	-\$49,885	\$25,000	+\$13,796
Travel	\$35,991	\$22,047	-\$13,944	\$25,000	+\$2,953
MPHI - training	\$7,500	\$7,500	-	\$7500	-
Total	\$2,770,500	\$2,800,400	+ \$29,900	\$2,835,443	+ \$35,043



Hospital and Community Investigation Unit

This unit provides the rights protection for individuals receiving services in MDHHS-operated hospitals and programs. It maintains offices at Caro Center, Hawthorn Center, Kalamazoo Psychiatric Hospital, Walter Reuther Psychiatric Hospital, and the Center for Forensic Psychiatry, MDHHS-ORR staff:

- Resolve allegations of rights violations through investigations and interventions, and, when appropriate, recommend remedial action(s) to the directors of the hospitals.
- Provide new hire training to all employees of the hospitals.
- Provide monitoring to ensure individuals receive appropriate services in a safe, sanitary, humane treatment environment.
- Develop MDHHS policies related to rights protection.
- Provide education and consultation to hospital administration, employees, and individuals served.

This unit is also responsible for conducting special investigations in CMHSPs and LPHs, when requested, or when assigned by the MDHHS director under Section 330.1754(6)(e) of the Code. In FY21, the responsibility for conducting investigations of complaints made by individuals receiving services in the Michigan Community Transition Program (MCTP), operated by the State Hospital Administration of the department, became the responsibility of MDHHS-ORR.



Education, Training, and Compliance Unit

Section 330.1754 of the Code mandates that MDHHS-ORR provide training in recipient rights protection to community mental health programs and licensed hospitals in order to assure equal protection and consistency of practice. In this area, the Office develops and presents educational and training programs in order to meet the mandate that all new rights staff and CMHSP and LPH directors successfully complete the orientation programs and receive training on a regular basis.

In order to carry out this mission, the Education, Training and Compliance Unit:

- Offers a six-day orientation (Basic Skills) program (four times per year) that all new recipient rights staff system-wide must attend and successfully complete.
- Provides rights education programs for newly hired CMHSP and LPH directors.
- Coordinates recipient rights training programs provided to all staff in MDHHS hospitals.
- Oversees the new hire rights orientation for all MDHHS Central Office staff.
- Develops and presents an annual conference and additional rights-related training programs for recipient rights staff and stakeholders system-wide.

EDUCATION PROVIDED BY MDHHS-ORR

The Office of Recipient Rights offers a variety of face-to-face and online education for its stakeholders. These programs are required by the Mental Health Code. In FY21, the education unit introduced new online training modules for CMH, LPH and State Hospital staff with a specific module for psychiatrists. All together 12,269 persons participated in MDHHS-ORR training programs. That is an increase of 57% over FY20.

EDUCATION RECEIVED BY MDHHS-ORR STAFF

Section 330.1754 (1)(d) of the Code requires that "Staff of the state office of recipient rights receive training each year in recipient rights protection." The list below provides information on training received by MDHHS-ORR staff to meet these requirements. During FY21, MDHHS-ORR staff received training in the following areas:

- Rights Office Operations
- Legal Foundations of Rights
- Leadership
- Augmented Training

COMPLIANCE ACTIVITIES CONDUCTED BY MDHHS-ORR

ASSESSMENTS OF COMMUNITY MENTAL HEALTH SERVICES PROGRAM RECIPIENT RIGHTS SYSTEMS

The Code requires that MDHHS-ORR review the CMHSP rights systems in order to "ensure a uniformly high standard of recipient rights protection throughout the state." The certification standards must include those for the protection and promotion of recipient rights (MCL 330.232a [1][b]). Although standards relative to CMHSP governance, resource management, quality improvement, service delivery and safety management may be waived by the department in whole or in part as the result of the CMHSP's accreditation by a nationally recognized accrediting body, recipient rights standards cannot be waived. These standards must be established and reviewed by the department and MDHHS-ORR serves that function.

Each CMHSP receives an on-site assessment once every three years. CMHSP rights systems are assessed on standards developed from the Code, the Administrative Rules, and contractual requirements. As a result of these reviews, CMHs are determined to be in full compliance, substantial compliance or less than substantial compliance. Plans of correction are required and monitored to bring the agencies into compliance. In addition, each CMHSP recipient rights system is reviewed annually through careful evaluation of, and follow-up on, semi-annual and annual reports submitted by each CMHSP, as required by law. The following charts provide the overall results of the assessments of all 46 CMHSPs during the 2019-2021 cycle and the individual results of the programs assessed during 2021. The programs are scored on the percentage of certification standards established by the Department that are met. Full Compliance requires meeting 95% of the standards, substantial compliance means the organization met 85% of the standards, and less than substantial compliance means less than 85% of the standards were met.

Chart 3: CMH Assessment Results FY19-21

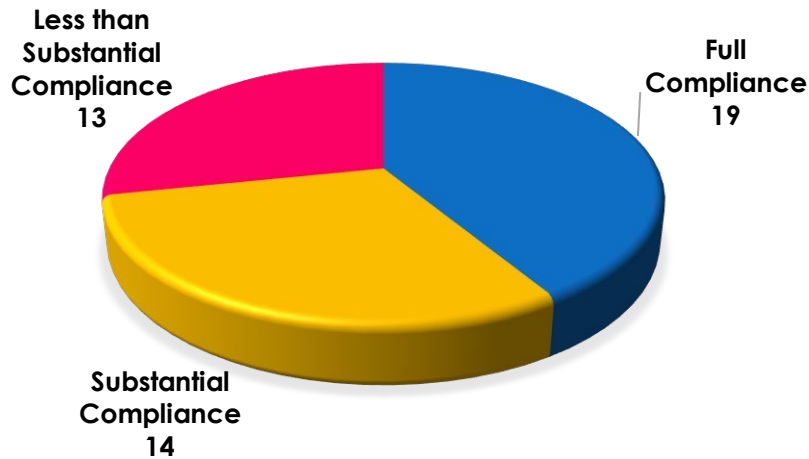
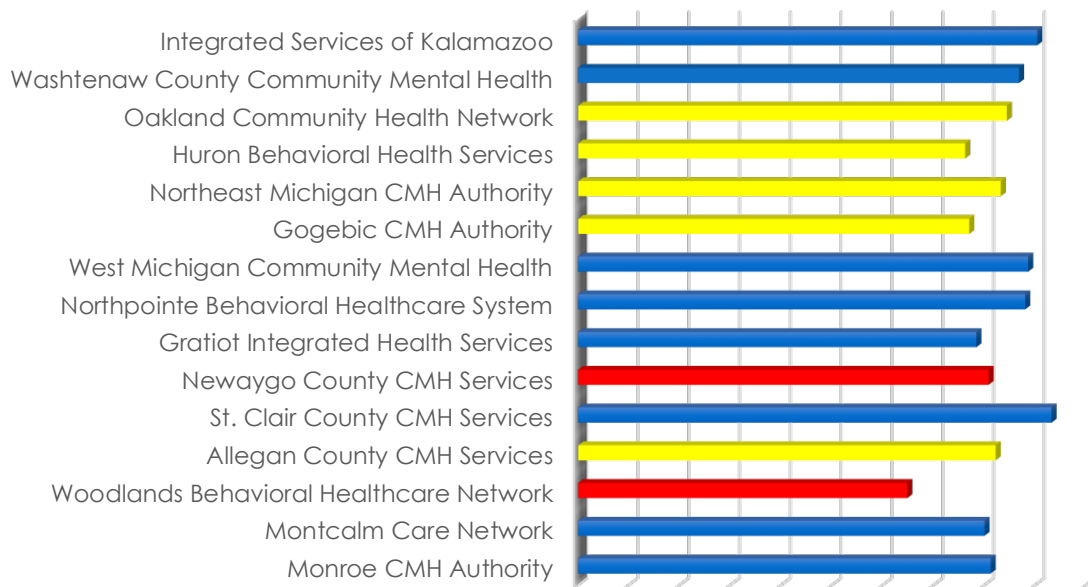


Chart 4: CMH Assessment Scores FY21



Key: Blue: Full Compliance Yellow: Substantial Compliance Red: Less than Substantial Compliance

ASSESSMENTS OF LICENSED PRIVATE HOSPITALS RECIPIENT RIGHTS SYSTEMS

In July, 2021, MDHHS and LARA entered into an agreement that would require MDHHS-ORR to begin assessments of the recipient rights systems operated by the 60 Licensed Private Hospitals as part of their licensing review. Assessments of these system will begin in FY22.

REVIEWS OF DEATHS OCCURRING IN STATE HOSPITALS AND LICENSED PRIVATE HOSPITALS

Amendments to the Mental Health Code, effective March 24, 2021, require the Department to provide a statistical report of deaths occurring in state facilities and licensed private hospitals (LPH), including those that occurred within 48 hours of discharge. These changes also required the Department to investigate any death reported that was the result of suicide or where the cause of death was unknown. The review of deaths for the state hospitals has been an ongoing process of MDHHS-ORR. The review of deaths in the LPH settings began with the effective date of the amendment to the law.

330.1720 Statistical report of deaths; investigation.

(1) The department shall provide an annual statistical report to the members of the House and Senate standing committees and appropriations subcommittees with legislative oversight of mental health issues summarizing all deaths and causes of deaths, if known, of mental health care recipients that have been reported to the department, including deaths that occurred within 48 hours after discharge, and all deaths that have occurred in state facilities.

(2) In the report described in subsection (1), the department must include information indicating whether or not it has initiated an investigation or is in the process of an investigation as required under section 721 regarding the recipient's death and, if known, the findings of the investigation.

330.1721 Investigation of certain deaths reported by psychiatric hospital or psychiatric unit.

The department must investigate all deaths reported by a psychiatric hospital or psychiatric unit that are the result of a suicide or where the cause of death is reported as unknown.

Reporting of Deaths 10-1-2020 to 9-30-21(4-1-21 to 9-30-21 for LPHs)

Number of Deaths Reported - Licensed Private Hospitals	9
Reviewed by ORR:	9
Death from Natural Causes:	2
Investigations Opened:	7
Investigative Findings - No Apparent Violations -	5
Investigative Findings - Returned to LARA for Further Action -	2
Number of Deaths Reported - State Operated Hospitals*	7
Reviewed by ORR:	7
Death from Natural Causes:	7
Investigations Opened:	0

* Review and investigations of deaths in State Hospitals are conducted by the MDHHS-ORR staff at each hospital.



Technical Assistance

Section 330.1754(f) of the Code requires that the MDHHS-ORR offer technical assistance to all community mental health services programs and other mental health service providers subject to this act. Over the past year, ORR staff have provided assistance to rights advisory committees, court employees, individual rights staff in CMHSPs and LPHs, MDHHS leadership, CMHSP directors, LPH Executive Level Staff, and numerous other entities.

APPEALS

Section 330.1774 of the Code states, “The director shall appoint an appeals committee consisting of seven individuals, none of whom shall be employed by the department or a community mental health services program, to hear appeals of recipient rights matters.” The MDHHS Appeals Committee reviews appeals of rights complaints filed by or on behalf of individuals receiving services in MDHHS hospitals and programs. Additionally, the Committee reviews appeals submitted by or on behalf of individuals who have received services in one of the 59 licensed psychiatric hospitals that have entered into an agreement to use the department’s Appeals Committee. Following is a summary of activity for the MDHHS Appeals Committee and a composite of the results of appeals in the CMH system. Appeals of investigations involving an individual receiving services from a CMH completed at either a CMH or LPH are reviewed by the local CMH Appeals Committee.

Chart 5: Disposition of Appeals Reviewed by the MDHHS Appeals Committee - FY21

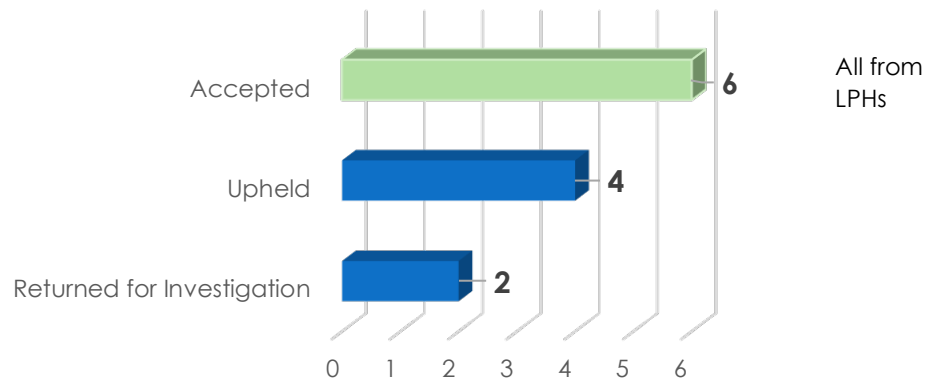
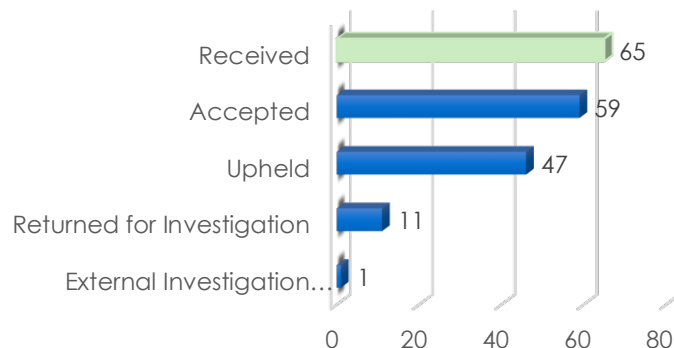


Chart 6: Disposition of Appeals Reviewed by CMH Appeals Committees – FY21



SYSTEM-WIDE DATA

KEY TERMS

Allegation: An assertion of fact made by an individual that has not yet been proved or supported with evidence.

Investigation: A detailed inquiry into and a systematic examination of an allegation raised in a rights complaint and reported in accordance with Chapter 7A.

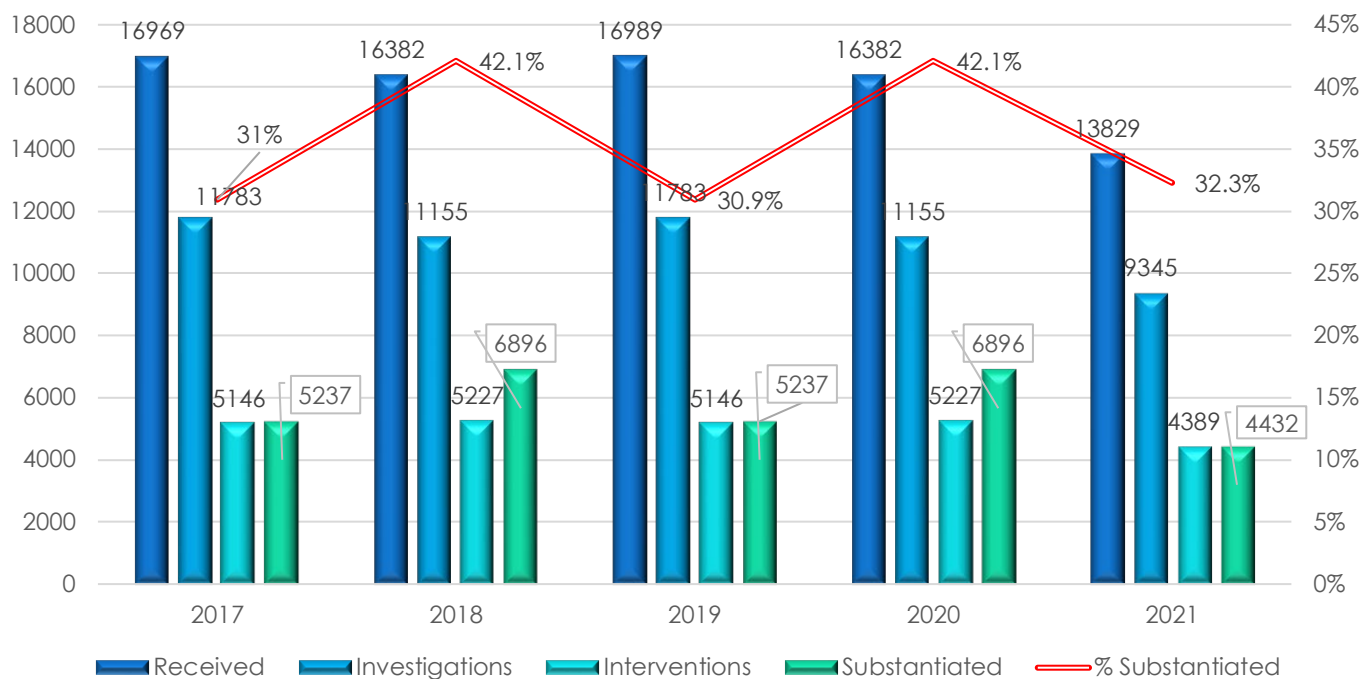
Intervention: To act on behalf of an individual to resolve a complaint alleging a violation of a code-protected right when the facts are clear and the remedy, if applicable, is clear, easily obtainable and does not involve statutorily required disciplinary action.

Preponderance: A standard of proof, which is met when, based upon all the available evidence, it is more likely that a right was violated than not; greater weight of evidence, not as to quantity (number of witnesses), but as to quality (believability and greater weight of important facts provided). This is the standard required in rights investigations.

Substantiation: A determination that a right was violated.

Remedial Action: If it has been determined through investigation that a right has been violated, the respondent shall take appropriate remedial action that meets all of the following requirements: (a) Corrects or provides a remedy for the rights violation, (b) is implemented in a timely manner and (c) attempts to prevent a recurrence of the rights violation. It is the responsibility of the ORR to maintain a record of the documented action.

Chart 7: Allegation Activity FY17-FY21



COVID EFFECTS

As the pandemic continued, allegations, investigations, and substantiations in all three areas continued to decrease.

Area/Fiscal Year	CMH19	CMH20	CMH21	LPH19	LPH20	LPH21	MDHHS19	MDHHS20	MDHHS21
Persons Served	273,804	261,915	259,715	74,392	71,226	67,470	n/a	n/a	n/a
Received	10,158	8,790	8,479	4,398	2,419	3,978	1,756	1,468	1,372
Investigations	9,691	8,379	8,001	981	449	883	485	505	461
Interventions	485	466	382	3,433	1,586	3,096	1,271	963	911
Substantiated	4,298	3,768	3,582	951	1,046	718	51	131	132

ABUSE and NEGLECT

Abuse and Neglect are the most serious violations in the rights system and account for much of the time spent in investigations by rights staff. MDHHS Administrative Rules provide clear definitions of Abuse and Neglect.

Abuse class I:

A non-accidental act or provocation of another to act by an employee, volunteer, or agent of a provider that caused or contributed to the death, or sexual abuse of, or serious physical harm to a recipient.

Abuse class II:

Any of the following:

- (i) A non-accidental act or provocation of another to act by an employee, volunteer, or agent of a provider that caused or contributed to nonserious physical harm to a recipient.
- (ii) The use of unreasonable force on a recipient by an employee, volunteer, or agent of a provider with or without apparent harm.
- (iii) Any action or provocation of another to act by an employee, volunteer, or agent of a provider that causes or contributes to emotional harm to a recipient.
- (iv) An action taken on behalf of a recipient by a provider who assumes the recipient is incompetent, despite the fact that a guardian has not been appointed, that results in substantial economic, material, or emotional harm to the recipient.
- (v) Exploitation of a recipient by an employee, volunteer, or agent of a provider.

Abuse class III:

The use of language or other means of communication by an employee, volunteer, or agent of a provider to degrade, threaten, or sexually harass a recipient.

Neglect class I:

Either of the following: (i) Acts of commission or omission by an employee, volunteer, or agent of a provider that result from noncompliance with a standard of care or treatment required by law and/or rules, policies, guidelines, written directives, procedures, or individual plan of service and causes or contributes to the death, or sexual abuse of, or serious physical harm, to a recipient, or (ii) The failure to report apparent or suspected Abuse Class I or Neglect Class I of a recipient.

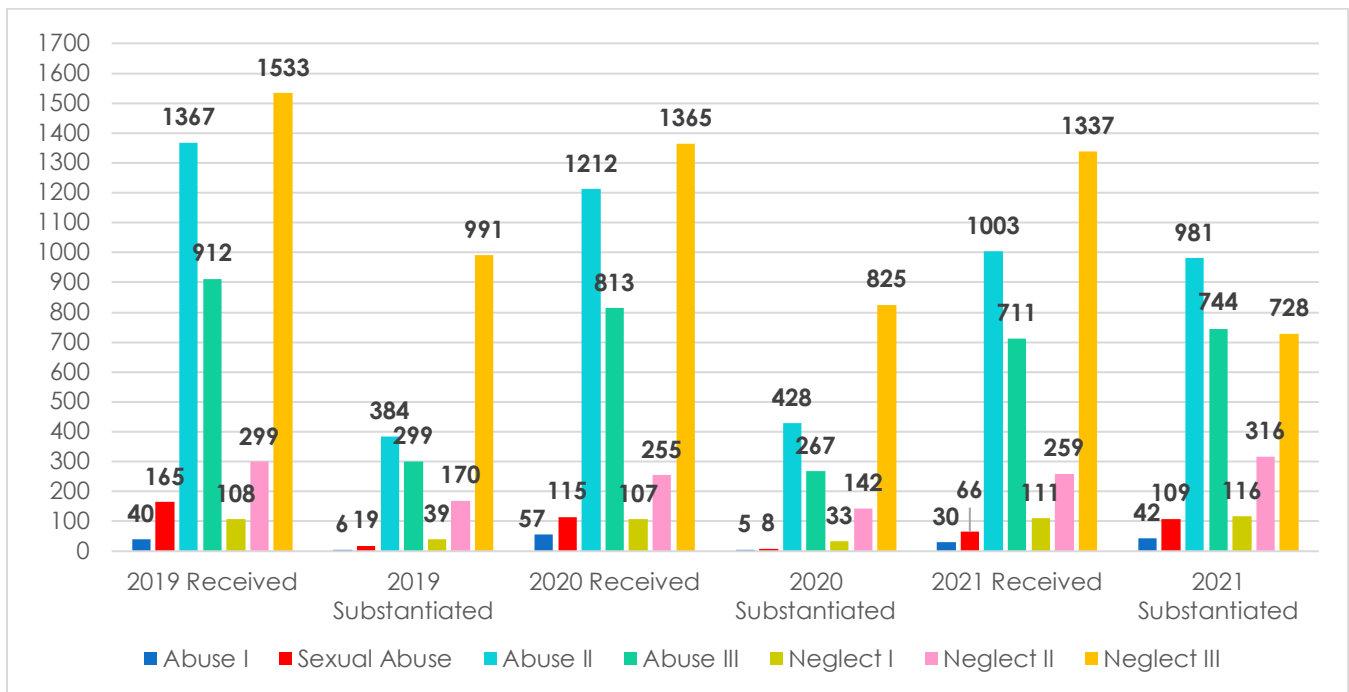
Neglect class II:

Either of the following: (i) Acts of commission or omission by an employee, volunteer, or agent of a provider that result from noncompliance with a standard of care or treatment required by law, rules, policies, guidelines, written directives, procedures, or individual plan of service and that cause or contribute to non-serious physical harm or emotional harm to a recipient, or (ii) The failure to report apparent or suspected Abuse Class II or Neglect Class II of a recipient.

Neglect class III:

Either of the following: (i) Acts of commission or omission by an employee, volunteer, or agent of a provider that result from noncompliance with a standard of care or treatment required by law and/or rules, policies, guidelines, written directives, procedures, or individual plan of service that either placed or could have placed a recipient at risk of physical harm or sexual abuse, or (ii) The failure to report apparent or suspected Abuse Class III or Neglect Class III of a recipient.

Chart 8: System-wide Abuse and Neglect Allegations Investigated/Substantiated FY19-FY21



DATA – MDHHS HOSPITALS

Chart 9: Complaints Received by Hospital FY21

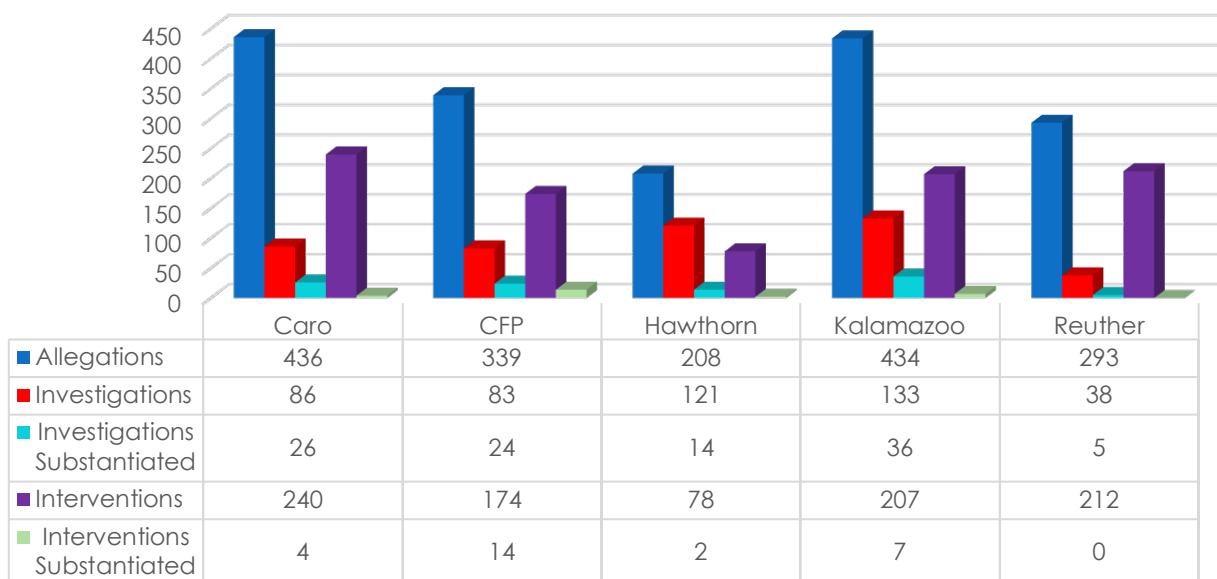


Table 1: Allegations Received by Category at MDHHS Hospitals – FY21

Category	Caro	CFP	Hawthorn	Kalamazoo	Reuther	Category Total
Abuse class I	1	2	0	4	0	7
Abuse class I - sexual abuse	13	0	2	5	4	24
Abuse class II – non-accidental act	10	4	49	32	10	105
Abuse class II - unreasonable force	4	5	12	3	2	26
Abuse class III	11	18	20	20	14	83
Ability to spend or use as desired	0	3	0	0	0	3
Access to entertainment materials, information, news	2	0	0	0	3	5
Access to telephone, mail	0	2	2	10	5	19
Civil rights: discrimination, accessibility, accommodation	0	1	0	0	0	1
Contact with attorneys or others regarding legal matters	0	3	0	0	0	3
Correction of record	0	0	2	0	0	2
Dignity and respect	44	33	30	90	18	215
Disclosure of confidential information	4	2	2	2	1	11
Easy access to money in account	1	1	0	0	0	2
Use of facility account	0	5	0	1	8	14
Funds for postage, stationery, telephone usage	14	0	0	0	0	14
Informed consent	0	0	0	0	1	1
Labor & compensation	0	0	0	1	0	1
Least restrictive setting	0	3	0	10	4	17
Limitations	0	1	1	0	1	3
Mental health services suited to condition	120	99	26	36	99	380
Neglect class I - failure to report	0	1	0	0	0	1
Neglect class II	8	2	3	0	2	15
Neglect class II - failure to report	0	0	0	4	1	5
Neglect class III	15	4	0	11	3	33
Neglect class III - failure to report	0	1	0	0	0	1
Notice of clinical status/progress	0	0	0	1	0	1
Notice of medication side effects	0	0	0	2	0	2
Person-centered process	3	1	0	2	0	6
Possession and use	3	4	1	7	10	25
Protection	0	5	0	5	4	14
Use of Psychotropic drugs	9	0	0	1	0	10
Receipts to recipient and to designated individual	0	0	0	1	0	1
Religious practice	0	0	0	0	2	2
Restraint	6	1	2	6	0	15
Restrictions/limitations	10	3	0	12	4	29
Safe environment	38	26	34	60	40	198
Safeguarding money	0	6	0	3	0	9
Sanitary/humane environment	8	11	7	7	8	41
Search/seizure	0	2	0	0	0	2
Seclusion	0	0	6	2	0	8
Second opinion - denial of services	0	1	0	0	0	1
Services of mental health professional	0	1	0	0	1	2
Storage space	0	1	0	0	0	1
Uncensored mail	0	4	0	0	0	4
Visitation	2	0	0	2	5	9
Withholding of information (includes recipient access to records)	0	1	0	0	0	1
TOTALS	436	339	208	434	293	1710

Table 2: Substantiated Rights Violations by Category at MDHHS Hospitals – FY21

Category	Caro	Center for Forensic Psychiatry	Hawthorn	Kalamazoo	Reuther	Category Total
Abuse class I	0	0	0	0	0	0
Abuse class I - sexual abuse	1	0	0	0	0	1
Abuse class II - nonaccidental act	1	2	2	4	2	11
Abuse class II - unreasonable force	1	2	4	0	0	7
Abuse class III	2	2	4	6	1	15
Ability to spend funds as desired	0	2	0	0	0	2
Access to funds (hospital account)	0	0	0	1	0	1
Access to telephone, mail	0	0	0	1	0	1
Contact... Regarding legal matters	0	1	0	0	0	1
Dignity and respect	4	6	4	4	0	18
Disclosure of confidential information	3	1	0	0	0	4
Funds for postage, stationery, telephone	1	0	0	0	0	1
Limitations of personal property	0	0	1	0		1
Mental health services suited to condition	2	7	0	6	0	15
Neglect class I - failure to report	0	1	0	0	0	1
Neglect class II	4	2	0	0	0	6
Neglect class II - failure to report	0	0	0	4	1	5
Neglect class III	8	1	0	5	1	15
Neglect class III - failure to report	0	1	0	0	0	1
Person-centered process	1	0	0	1	0	2
Protection of personal property	0	1	0	2	0	3
Restrictions/limitations	0	0	0	4	0	4
Safe environment	2	5	0	3	0	10
Safeguarding money	0	1	0	0	0	1
Sanitary environment	0	3	0	0	0	3
Seclusion	0	0	1	1	0	2
TOTALS	30	38	16	42	5	131



"We must scrupulously guard the civil rights and civil liberties of all our citizens, whatever their background. We must remember that any oppression, any injustice, any hatred, is a wedge designed to attack our civilization."

Franklin D. Roosevelt



Table 3: Action Taken on Substantiated Rights Violations by Category at MDHHS Hospitals – FY21

Category	Caro	Center for Forensic Psychiatry	Hawthorn	Kalamazoo	Walter Reuther	Category Total
Ability to spend or use as desired						2
Other		1				1
Policy revision/Development		1				1
Abuse - Class III						13
Substantiated- Employee left prior to disciplinary action			2			2
Employment termination	1					1
Suspension		1		1		2
Written reprimand	2	2	1	2	1	8
Abuse Class II - Nonaccidental act						6
Substantiated- Employee left prior to disciplinary action			1			1
Employment termination		1		1	1	3
Suspension		1				1
Training	1					1
Abuse class II - unreasonable force						6
Substantiated- Employee left prior to disciplinary action			1			1
Employment termination	1		1			2
Pending			1			1
Suspension		1	1			2
Access to telephone, mail						3
Training	1			1		2
Written counseling	1					1
Contact with attorneys or others regarding legal matters						1
Other		1				1
Dignity and respect						19
Substantiated- Employee left prior to disciplinary action	1		1			2
Other	1					1
Pending		1	1			2
Policy revision/Development			1			1
Recipient transfer to another provider/site	1					1
Training	1	6		4		11
Written counseling				1		1
Disclosure of confidential information						3
Environmental repair/Enhancement				1		1
Policy revision/Development		1				1
Verbal counseling	1					1
Facility account						1
Training				1		1
Family dignity & respect						1
Verbal counseling				1		1
Mental health services suited to condition						14
Contract action	1					1
Other		3			1	4
Pending				1		1
Plan of service revision	1	2				3
Policy revision/Development				2		2
Training		1		1		2
Verbal counseling		1				1
Neglect - Class I - failure to report						1
Employment termination		1				1

Category	Caro	Center for Forensic Psychiatry	Hawthorn	Kalamazoo	Walter Reuther	Category Total
Neglect - Class II						7
Substantiated- Employee left prior to disciplinary action	1					1
Other	1					1
Suspension	3	1				4
Written reprimand		1				1
Neglect - Class II - failure to report						5
Employment termination					1	1
Suspension				4		4
Neglect - Class III						13
Other	1					1
Pending				1		1
Suspension		1		3		4
Written reprimand	6				1	7
Neglect - Class III - failure to report						2
Written reprimand	1	1				2
Person-Centered Process						2
None	1					1
Plan of service revision				1		1
Property - limitations						1
Plan of service revision			1			1
Property - possession and use						1
Other	1					1
Property - protection						3
Other		1				1
Policy revision/Development				1		1
Training				1		1
Property - receipts						1
Training	1					1
Restraint						2
None	1					1
Training	1					1
Restrictions/limitations						7
None	3					3
Training				4		4
Safe environment						9
Other		2				2
Pending				1		1
Policy revision/Development		1				1
Suspension		1				1
Training				2		2
Verbal counseling		1				1
Written counseling	1					1
Safeguarding money						2
Training	1					1
Verbal counseling		1				1
Sanitary/humane environment						3
Environmental repair/Enhancement		1				1
Other		1				1
Plan of service revision		1				1
Seclusion						2
Training			1	1		2
Visits						1
Substantiated- Employee left prior to disciplinary action				1		1
Grand Total	37	39	13	37	5	131

DATA – CMH SYSTEM

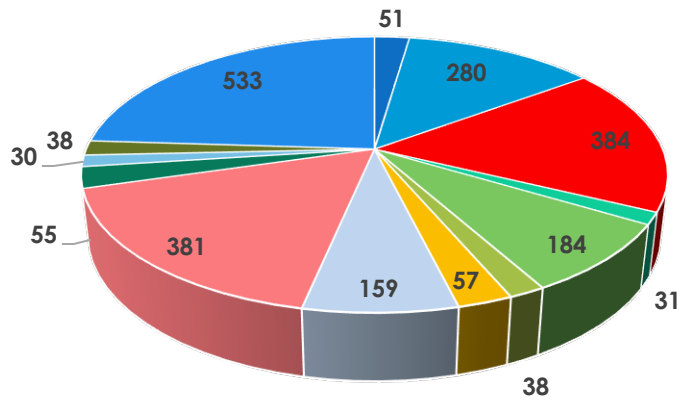
Table 4: Comparative Data for CMHSP Rights Systems – FY21

CMHSP	Unduplicated Count	Rights Office Staffing FTE	Allegations	Investigations	Investigations Substantiated	Interventions	Interventions Substantiated
Allegan County CMH Services	1,775	1.25	65	65	31	0	0
AuSable Valley CMHA	2,508	1.00	42	42	20	0	0
Barry County CMHA	1,226	1.00	64	55	18	9	7
Bay-Arenac Behavioral Health	4,542	2.25	132	121	64	11	8
Berrien MHA-Riverwood	5,091	2.00	142	140	73	2	1
Centra Wellness Network	1,486	1.50	47	33	21	14	13
CMH & SA Services of St Joseph County	1,849	1.00	46	42	10	4	0
CMHA of Clinton Eaton Ingham County	10,380	4.00	108	108	40	0	0
CMH for Central Michigan	10,444	5.46	267	267	101	0	0
CMH of Ottawa County	3,317	1.00	50	50	19	0	0
Copper Country CMH Services	1,017	3.00	51	46	21	5	1
Detroit Wayne Integrated Health Network	70,761	37.00	898	898	287	0	0
Genesee Health System	9,223	6.00	407	393	240	14	14
Gogebic Community Mental Health	495	0.20	6	6	1	0	0
Gratiot Integrated Health Network	1,794	1.00	28	28	10	0	0
Health West	6,852	2.00	89	89	52	0	0
Hiawatha Behavioral Health	1,550	1.40	13	11	7	2	1
Huron Behavioral Health Services	1,112	0.30	8	8	6	0	0
Integrated Services of Kalamazoo	5,054	6.50	733	490	213	180	18
Lapeer County CMH Services	1,973	1.00	106	98	76	8	0
Lenawee County CMH Authority	1,775	1.25	67	65	31	0	0
Lifeways CMH	7,576	4.00	137	137	87	0	0
Livingston County CMH Authority	2,015	2.00	130	130	51	0	0
Macomb County CMH Services	12,720	14.50	1196	1196	418	0	0
Monroe CMH Authority	2,702	2.00	81	81	49	0	0
Montcalm Care Network	2,318	1.25	44	34	16	10	9
Network180	14,813	5.65	283	280	87	3	2
Newaygo County CMH Services	2,600	1.25	41	37	22	4	2
North Country CMH	4,006	3.00	232	218	171	6	3
Northeast Michigan CMHA	2,307	2.00	92	91	50	1	0
Northern Lakes CMH	4,880	5.00	339	332	151	7	6
Northpointe Behavioral Healthcare Systems	1,595	1.00	37	34	22	3	2
Oakland Community Health Network	21,469	15.50	779	779	291	0	0
Pathways	2,718	3.00	106	94	48	12	6
Pines Behavioral Health Services	2,043	1.00	28	27	13	1	0
Saginaw County CMH Authority	7,644	3.00	283	259	130	1	1
Sanilac County CMH Services	1,500	1.40	220	190	68	10	1
Shiawassee County CMH Services	1,548	2.00	91	80	33	11	11
St Clair County CMHA	5,592	3.00	188	188	64	0	0
Summit Pointe Behavioral Health	7,560	2.60	258	249	118	9	3
The Right Door for Hope, Recovery and Wellness	2,030	1.00	45	28	18	17	9
Tuscola Behavioral Health Systems	1,239	1.00	95	83	46	12	3
Van Buren CMHA	2,319	1.00	15	5	5	10	2
Washtenaw County CMH	4,553	3.00	157	157	63	0	0
West Michigan CMH	3,387	1.00	86	51	16	17	7
Woodlands Behavioral Healthcare Network	1,367	1.00	15	15	11	0	0
TOTALS	266,725	161	8,347	7,830	3,389	383	130

Table 5: Substantiated Rights Violations by Category - CMHSPs FY21

CATEGORY	NUMBER
Abuse class I	4
Abuse class I - sexual abuse	11
Abuse class II - emotional harm	16
Abuse class II - exploitation	54
Abuse class II - Nonaccidental act	31
Abuse class II - Unreasonable force	81
Abuse class III	185
Ability to spend funds or use as desired	2
Access to entertainment materials, information, news	1
Access to rights system	8
Access to telephone, mail	19
Assessment of needs	2
Choice of physician/mental health professional	3
Complaint investigation process	14
Delivery of money upon release	1
Dignity and respect	506
Disclosure of confidential information	149
Failure to report a Rights Violation	49
Family dignity & respect	62
Funds for postage, stationery, telephone usage	1
Informed consent	13
Involuntary admission process	1
Labor & compensation	4
Least restrictive setting	3
Limitations on personal property	9
Mental health services suited to condition	698
Neglect class I	25
Neglect class I - failure to report	5
Neglect class II	59
Neglect class II - failure to report	32
Neglect class III	524
Neglect class III - failure to report	40
Person-centered process	12
Property- possession and use	35
Prior consent	20
Protection of Property	4
Psychotropic drugs	1
Receipts to recipient and to designated individual	2
Limitations on freedom of movement	55
Retaliation/harassment	10
Safe environment	110
Safeguarding money	7
Sanitary/humane environment	66
Search/seizure	6
Seclusion	11
Second opinion - denial of hospitalization	3
Timely development of Person-Centered Plan	66
Uncensored mail	2
Visits	4
Voting	1
Withholding of information (includes recipient access to records)	1

Chart 9: Action Taken on Substantiated Abuse/Neglect Violations - CMH FY21



- Contract Action
- Substantiated; Employee Left Agency Prior to Action
- Employment Termination
- None
- Other
- Policy Revision/Development
- Staff Transfer
- Suspension
- Training
- Verbal Counseling
- Verbal Reprimand
- Written Counseling
- Written Reprimand



"When you see something that is not right, not fair, not just, you have to speak up. You have to say something; you have to do something."

U.S. Representative John Lewis



DATA – LPH SYSTEM

Table 6: Comparative Data for LPH Rights Systems – FY21

LPH	Admissions	Rights Office FTE	Allegations	Investigations	Investigations Substantiated	Interventions	Interventions Substantiated
Ascension Borgess Hospital	736	0.40	53	10	4	43	3
Ascension Macomb-Oakland Hospital - Madison Heights Campus	531	0.50	37	7	2	30	1
Ascension Macomb-Oakland Hospital - Warren Campus	796	0.50	94	5	2	89	4
Ascension Providence Hospital - Southfield Campus	518	0.25	82	6	1	76	13
Ascension Providence Rochester Hospital	631	0.13	30	3	1	27	2
Ascension St John Hospital	565	0.50	88	31	12	57	12
Beaumont Hospital - Farmington Hills	493	0.13	18	12	2	6	1
Beaumont Hospital - Royal Oak	512	0.20	16	7	3	9	0
Beaumont Hospital - Taylor	573	1.00	91	16	1	75	2
Brightwell Behavioral Health	293	0.63	5	5	3	0	0
Behavioral Center of Michigan	1,208	1.00	136	40	12	96	16
Bronson Battle Creek - Fieldstone Center	557	0.60	111	8	3	103	10
Bronson Lakeview Hospital	149	0.08	9	3	1	6	0
Cedar Creek Hospital	1,951	1.00	29	25	8	4	2
DMC Detroit Receiving Hospital	354	1.00	16	2	0	14	0
DMC Sinai-Grace Hospital	702	0.80	69	17	2	52	1
Forest View Psychiatric Hospital	3,163	0.50	149	10	4	139	49
Harbor Oaks Hospital	4,299	2.00	342	116	21	226	41
Havenwyck Hospital	6,293	2.00	432	35	4	397	40
HealthSource Saginaw	1,949	1.00	478	146	24	332	4
Henry Ford Allegiance Hospital	3,500	1.00	118	9	4	54	11
Henry Ford Kingswood Hospital	2,551	1.00	170	28	18	142	84
Henry Ford Macomb Hospital	1,718	0.03	133	5	3	128	11
Henry Ford Wyandotte Hospital	746	1.00	61	1	0	60	9
Hillsdale Hospital	430	0.20	2	0	0	2	0
Holland Hospital	548	0.15	39	15	0	25	0
Hurley Medical Center	990	0.20	20	20	3	0	0
McLaren - Bay Region	1,694	0.04	16	7	2	9	7
McLaren - Flint	1,092	0.20	14	1	0	13	0
McLaren - Greater Lansing	112	1.00	3	0	0	3	0
McLaren - Lapeer Region	2,416	0.13	22	2	2	20	0
McLaren - Oakland	944	0.90	58	5	4	53	8

LPH	Admissions	Rights Office FTE	Allegations	Investigations	Investigations Substantiated	Interventions	Interventions Substantiated
McLaren - Port Huron	902	0.50	48	14	0	34	3
Memorial Healthcare - Owosso	783	0.50	3	0	0	3	0
Mercy Health Muskegon - Hackley Campus	872	0.10	18	3	1	15	0
Mercy Health St Mary's	668	0.50	60	9	1	51	0
Michigan Medicine	1,242	1.00	21	21	19	0	0
MidMichigan Medical Center - Alpena	352	0.60	10	1	1	9	0
MidMichigan Medical Center - Gratiot	661	1.00	23	8	4	15	5
MidMichigan Medical Center - Midland	702	0.80	78	28	10	50	1
Munson Medical Center	656	1.00	174	5	3	169	8
Oaklawn Hospital	331	0.20	12	3	0	9	0
Pine Rest Christian Mental Health Services	7,385	1.00	104	9	2	95	1
Pontiac General Hospital	1,575	1.00	42	21	11	21	4
ProMedica Coldwater Regional Hospital	373	0.25	38	6	1	32	6
ProMedica Monroe Regional Hospital	472	0.50	25	5	0	20	1
Samaritan Behavioral Center	1,203	1.00	195	75	44	120	35
Sparrow-St Lawrence Hospital	1,040	1.50	38	22	3	16	7
Spectrum Health Lakeland Hospital	829	0.40	24	16	1	8	0
St Joseph Mercy Hospital	729	0.60	8	1	1	7	3
St Joseph Mercy Hospital - Chelsea	667	0.40	3	1	1	2	0
St Joseph Mercy Hospital - Oakland	716	0.50	115	26	5	89	6
St Mary Mercy Hospital - Livonia	1340	1.00	139	3	2	12	3
StoneCrest Center	4,244	1.00	29	3	3	26	26
UP Health System - Marquette	565	0.25	9	1	1	8	5
War Memorial Hospitals Behavioral Health Center	547	0.50	78	17	9	61	24
	71,868	36.14	4235	895	269	3162	469

Table 6: Substantiated Rights Violations by Category - LPHs FY21

Abuse class I	2
Abuse class I - sexual abuse	1
Abuse class II - nonaccidental act	2
Abuse class II - unreasonable force	26
Abuse class III	18
Complaint investigation process	1
Dignity and respect	17
Disclosure of confidential information	1
Family dignity & respect	4
Informed consent	2
Involuntary admission process	5
Mental health services suited to condition	3
Neglect class I	5
Neglect class II	5
Neglect class II - failure to report	5
Neglect class III	28
Neglect class III - failure to report	3
Notice of clinical status/progress	1
Person-centered process	3
Prior consent to treatment	1
Protection	1
Psychotropic drugs	2
Restraint	2
Restrictions/limitations	1
Safe environment	9

Chart 10: Action Taken on Substantiated Abuse/Neglect Violations - LPH FY21



RECOMMENDATIONS

The Office of Recipient Rights has the following recommendations for the Department:

- The Office of Recipient Rights recommends that the Department provide the resources necessary to adequately provide rights protection per §330.1755 to individuals receiving services from the State Hospital Administration and contract providers of MDHHS. This includes four (4) additional rights advisors to address expanded services at the Center for Forensic Psychiatry, Hawthorn Center, the MDHHS Community Transition Programs (MCTP) and Psychiatric Residential Treatment Facilities (PRTF) for youth.
- The Office of Recipient Rights recommends that the Department facilitate proposed legislation which would mandate MDHHS-ORR to assess compliance of Licensed Private Hospitals (LPH) recipient rights systems to ensure a uniformly high standard of rights protection in this setting, and subsequently, provide the resources to carry out this function.
- The Office of Recipient Rights recommends that the Department provide the resources to address the mandates of the Mental Health Code regarding education and training for recipient rights staff in all health settings, CMH directors, psychiatric hospital directors, MDHHS staff and individuals served.

The Michigan Department of Health and Human Services will not exclude from participation in, deny benefits of, or discriminate against any individual or group because of race, sex, religion, age, national origin, color, height, weight, marital status, gender identification or expression, sexual orientation, partisan considerations, or a disability or genetic information that is unrelated to the person's eligibility.